

## **ARTICLE 10**

### **NON-DISCIPLINARY COUNSELING AND PERFORMANCE REVIEW**

The intent of performance review and counseling is to inform and instruct employees as to requirements of performance and/or conduct. Neither performance review, informal nor formal counseling shall be considered as punitive/disciplinary action nor as prerequisites to disciplinary action.

#### **Section A. Performance Discussion or Review.**

The parties recognize that supervisors are required to periodically discuss and review work performance with employees. Such discussions are not investigations, but are opportunities to evaluate and discuss employee performance and, as such, are the prerogative and responsibility of the Employer. An employee shall not have the right to a Union Representative during such performance discussion or review.

#### **Section B. Informal Counseling.**

Informal counseling may be undertaken when, in the discretion of the Employer, it is deemed necessary to improve performance, instruct the employee and/or attempt to avoid the need for disciplinary measures. Informal counseling will not be written up or recorded. No reference to informal counseling may be made in any subsequent document.

#### **Section C. Formal Counseling.**

1. When in the judgement of the Employer, formal counseling is necessary, it may be conducted by an appropriate supervisor. The Employer must advise the employee at the commencement of a meeting that it is a formal counseling session. Formal counseling may include a review of applicable standards and policies, actions which may be expected if performance or conduct does not improve, and a reasonable time period established for correction and review. A narrative description of formal counseling will be prepared on a record of counseling form, a copy of which will be given to and signed for by the employee and a copy kept in the employee's personnel file. The employee's signature indicates only that the employee has received a copy, shall not indicate that the employee necessarily agrees therewith, and shall so state on the form. Formal counseling is grievable in accordance with Article 8, Section A., Subsection 9.
2. An employee shall not have the right to a designated Union Representative during counseling.
3. Formal counseling may not be introduced in a disciplinary conference except to demonstrate, if necessary, that an employee knew or knows what is expected of them.

4. The distinction between **informal** and **formal** counseling shall be maintained and a counseling memo, if any, shall be considered **formal**.

#### **Section D. Removal of Records.**

At the employee's request, a record of counseling form, performance review/evaluation, or satisfactory service rating shall be removed from an employee's file after twelve (12) months of satisfactory performance during which the employee has not received a less than satisfactory service rating, been the subject of disciplinary action, or received further formal counseling for the same or similar reason(s). At the employee's or Union's request, early expungement may occur at the Employer's discretion for a record of counseling form, performance review/evaluation, or satisfactory service rating.